



JANET DiFIORE
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY

WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
(914) 995-2000

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

MEMO ENDORSED

September 5, 2008

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

RE: Vinson v Brown
Case No. 07-cv-02972 (KMK)

Your Honor:

By a *pro se* petition dated March 15, 2007, Jecoina Vinson sought a writ of *habeas corpus*. Respondent filed opposition papers on August 24, 2007. Petitioner then, by letter dated Sept 3, 2007, sought to amend his petition by adding a claim. By order filed September 7, 2007, United States Magistrate Judge Mark D. Fox accepted petitioner's amended petition and stayed it until his leave to appeal his New York Criminal Procedure Law § 440.10 motion and his application for a writ of error *coram nobis* were decided in state court. Respondent was granted sixty days after petitioner's *coram nobis* application was decided to file an answer to petitioner's amended *habeas* petition.


Petitioner's New York Criminal Procedure Law § 440.10 leave application was denied by order dated January 30, 2008. His *coram nobis* application was denied by order dated December 26, 2007. Petitioner's application to appeal that order to the New York State Court of Appeals was denied on April 10, 2008.

Unfortunately petitioner's amended *habeas* petition and Magistrate Fox's order were placed in our file without them being brought to my attention. I became aware of them

after I received petitioner's memorandum of law, dated July 27, 2008, in support of his amended *habeas* petition. Respondent respectfully requests until October 30, 2008 to respond to petitioner's amended petition. 11

Very Truly Yours,


JANET DiFIORE
District Attorney of
Westchester County


Maria I. Wager
Assistant District Attorney
Appeals Bureau

cc: Jecoina Vinson
ID# 99-A-4341
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, NY 12788-1000

Granted.

So Ordered.


9/9/08